

## Exhibit "A"

July 18, 2011

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for July 1 through July 15, 2011

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of July 1 through July 15, 2011. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Carolyn Robinson** filed a claim during the month of November, 2010, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **denied**.

**Michelle Ball** filed a claim during the month of February, 2011, in the amount of \$368.34 for damage allegedly incurred to tire as the result of a displaced water main cover in the street. This claim has been reviewed by this office and has been **denied**.

**California Casualty Insurance (Andrew Barber, Insured)** filed a claim during the month of March, 2011, in the amount of \$3,398.44 for damage allegedly incurred to insured's vehicle when it was struck by a snowplow. This claim has been reviewed by this office and has been **denied**.

**Doug Samuelson** filed a claim during the month of April, 2011, in an unspecified amount for injury incurred while claimant was officiating an adult co-ed volleyball game sponsored by Parks and Recreation. Claimant fell off the ladder he was standing on when a player collided with the ladder. This claim has been reviewed by this office and has been **denied**.

**Mary Close** filed a claim during the month of April, 2011, in the amount of \$266.78 for damage allegedly incurred to windshield of vehicle by an errant golf ball from Mahoney Golf Course. This claim has been reviewed by this office and has been **denied**.

**Steve and Tammy Moore** filed a claim during the month of May, 2011, in the amount of \$84.24 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Rodney J. Pillard** filed a claim during the month of May, 2011, in an unspecified amount for damage incurred to door of property as the result of action by Lincoln Fire personnel responding to a check welfare request. This claim has been reviewed by this office and has been **denied**.

**Nicholas H. Jones** filed a claim during the month of May, 2011, in the amount of \$374.00 for damage allegedly incurred to tire and rim as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Colby Hoshor** filed a claim during the month of May, 2011, in the amount of \$2,198.00 for damage incurred to vehicle as the result of an accident involving a Public Work truck. This claim has been reviewed by this office and has been **denied**.

**Constitution State Services (EIIA, Insured)** filed a claim during the month of May, 2011, in the amount of \$2,605.00 for damage incurred to insured's vehicle when it was allegedly struck by a road closure sign that had blown over. This claim has been reviewed by this office and has been **denied**.

**Antonette Benzing** filed a claim during the month of May, 2011, in an unspecified amount for damage allegedly incurred to house when struck by a fallen tree. This claim has been reviewed by this office and has been **denied**.

**Robert Frerichs** filed a claim during the month of June, 2011, in the amount of \$1,275.95 for expense incurred for repair of water service connection which claimant alleges was necessitated by an improper connection that had been inspected by the City in 1953. This claim has been reviewed by this office and has been **denied**.

**Bhan Kuany** filed a claim during the month of July, 2011, in the amount of \$250.00 for money that was seized by Lincoln police during an investigation. This claim has been reviewed by this office and has been **denied**.

#### **ALLOWED/SETTLED CLAIMS:**

**State Farm Insurance (Kellie Schwabauer, Insured)** filed a claim during the month of March, 2011, in the amount of \$2,115.75 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$2,115.75.

**Jeremy and Erin DeFruiter** filed a claim during the month of March, 2011, in the amount of \$5,608.14 for damage incurred as the result of a sanitary sewer back-up. **Farmers Mutual of Nebraska** filed a subrogation claim during the month of July, 2011, in the amount of \$5,000.00 for the amount paid to its insured, Jeremy and Erin DeFruiter, as a result of the back-up. These claims have been reviewed by this office and the claim of Jeremy and Erin DeFruiter has been **settled** in the amount of \$1,552.24 and the claim of Farmers Mutual of Nebraska has been **allowed** in the amount of \$5,000.

**April Allen** filed a claim during the month of June, 2011, in the amount of \$2,207.47 for damage incurred to vehicle as the result of an accident involving a fire truck. This claim has been reviewed by this office and has been **allowed** in the amount of \$2,207.47.

#### **PENDING CLAIMS:**

**HIP (Holroyd Investment Properties, Inc.)** filed a claim during the month of September, 2009, in the amount of \$1,180.75 for damage allegedly incurred to sprinkler system during street construction. This claim is under review and is **pending**.

**Cincinnati Insurance Co. (Neighborhoods, Inc. Insured; Curtis Hood, Claimant)** filed a claim during the month of February, 2010, in an unspecified amount for injuries incurred when Curtis Hood allegedly tripped and fell on property at 2240 Q Street. This claim is under review and is **pending**.

**John Leonard and Darlene Rose Barnhill** filed a claim during the month of March, 2010, in the amount of \$30,800 for alleged water damages incurred to basement of claimant's home at 6951 Benton which claimant alleges has occurred since the land east of claimant's property was developed in 1974-1975. This claim is under review and is **pending**.

**Corrina Muratella** filed a claim during the month of April, 2010, for alleged injury incurred as the result of an accident involving a StarTran bus. The claim is under review and is **pending**.

**Richard Dondlinger** filed a claim during the month of June, 2010, in the amount of \$348.05 for alleged damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Michelle Yount** filed a claim during the month of July, 2010, in the amount of \$16,000 for alleged injury incurred when claimant tripped and fell on sidewalk in front of Eiseley Library. This claim is under review and is **pending**.

**James Lam** filed a claim during the month of July, 2010, in the amount of \$363.54 for damages allegedly incurred to vehicle when struck by a fallen tree branch. This claim is under review and is **pending**.

**April Leach-Sanna and Anthony Sanna** filed a claim during the month of August, 2010, in the amount of \$35,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Tyrone Hall** filed a claim during the month of August, 2010, in the amount of \$25,000 for alleged damages incurred when claimant was arrested by Nebraska State Patrol and Lincoln Police. This claim is under review and is **pending**.

**State Farm Insurance (Kimberly Watkins Lutz, Insured)** filed a subrogation claim during the month of September, 2010, for medical payments made on behalf of its insured as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

**Brent Braun** filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

**Joel D. Heusinger** filed a claim during the month of October, 2010, in the amount of \$3,995.89 for damage allegedly incurred to vehicles while parked at Cornhusker Place parking garage. This claim is under review and is **pending**.

**Todd S. Morley** filed a claim during the month of October, 2010, in an unspecified amount for alleged damages incurred as the result of an accident involving a Lincoln Fire and Rescue ambulance. This claim is under review and is **pending**.

**Willa D. Smith** filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

**LeRoy Meints** filed a claim during the month of December, 2010, in the amount of \$92.42 for damage incurred to blades of riding mower when claimant was mowing City right-of-way and allegedly struck a water valve box. This claim is under review and is **pending**.

**Marlin Lockhart** filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

**Perry Vale** filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

**Farmers Insurance Group (Katherine Schinstock, Insured)** filed a claim during the month of January, 2011, in the amount of \$10,142.95 for damage incurred to insured's vehicle as the result of an accident involving a backhoe operated by a Public Works employee. This claim is under review and is **pending**.

**Debra S. Roberts** filed a claim during the month of February, 2011, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Ashley Billings** filed a claim during the month of February, 2011, in the amount of \$405.00 for damage incurred to three interior doors of apartment as the result of actions by Lincoln Police during the execution of a search warrant. This claim is under review and is **pending**.

**Midwest Refuse** filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

**Lanny Gerig** filed a claim during the month of February, 2011, in the amount of \$100.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Karen Davis** filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

**Praxis Consulting Inc./First Comp Insurance Co./Husker Hospitality LLC/Patrick Kelley** filed a subrogation claim during the month of April, 2011 in the amount of \$2,835.84 for workers compensation and medical benefits paid on behalf of Patrick Kelley, an employee of Husker Hospitality LLC, as the result of injury incurred to Mr. Kelley when a Lincoln police vehicle allegedly ran over his foot. This claim is under review and is **pending**.

**Kevin L. Walker** filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. **Theodora Walker** filed a claim during the month of June, 2011, in the amount of \$7,488.93 alleging that diamond earrings that were allegedly seized at the time of Kevin's arrest have not been returned to her. These claims are under review and are **pending**.

**Gordon Kyhn** filed a claim during the month of May, 2011, in the amount of \$1,000,000 for alleged injury incurred as the result of a trip and fall on sidewalk near Pershing Auditorium. This claim is under review and is **pending**.

**Elizabeth Thayer** filed a claim during the month of May, 2011, in the amount of \$548.56 for damage allegedly incurred to tire at a street construction site on Capitol Parkway. This claim is under review and is **pending**.

**Pat Mahoney** filed a claim during the month of May, 2011, in the amount of \$985.00 for damage allegedly incurred to vehicle at a street construction site. This claim is under review and is **pending**.

**David Stone** filed a claim during the month of May, 2011, in the amount of \$293.20 for damage incurred to vehicle window when it was struck by debris allegedly thrown from a weed mowing machine operated by an L.E.S. employee. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Great West Casualty Company** filed a claim during the month of May, 2011, in an unspecified amount for damage allegedly incurred to insured's vehicle when it struck a low hanging tree limb. This claim is under review and is **pending**.

**Rick Seidel** filed a claim during the month of May, 2011, in the amount of \$85.70 for damage allegedly incurred to sprinkler system during a sidewalk installation project. This claim is under review and is **pending**.

**Clifford C. Taylor III** filed a claim during the month of May, 2011, in the amount of \$2,003.24 for damage incurred to vehicle when it was struck by a fallen light pole. This claim is under review and is **pending**.

**Sharon Lee Bertwell** filed a claim during the month of June, 2011, in an unspecified amount for injury incurred as the result of a fall at South Library parking lot. This claim is under review and is **pending**.

**SaRena Freet** filed a claim during the month of June, 2011, in an unspecified amount for alleged injury and damage incurred to her bicycle when claimant was struck by a police vehicle while riding her bicycle. This claim is under review and is **pending**.

**Randall and Lisa Olson** filed a claim during the month of June, 2011, in the amount of \$3,175.67 for expense incurred as the result of alleged damage incurred to sewer line during installation of water line near claimant's home. This claim is under review and is **pending**.

**Lynette Wissing** filed a claim during the month of June, 2011, in the amount of \$52.10 for damage incurred to mailbox when struck by an ambulance. This claim is under review and is **pending**.

**Della L. Meyers** filed a claim during the month of June, 2011, in the amount of \$131.72 for damage allegedly incurred to sprinkler system as the result of a water main break. This claim is under review and is **pending**.

**Tamera Mowery** filed a claim during the month of June, 2011, in the amount of \$450.00 for damage incurred when an L.E.S. transformer allegedly "blew up" and spilled oil on utility shed. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**R.D. Hinkley & Associates Inc.** filed a claim during the month of June, 2011, in the amount of \$238.03 for damage incurred to window of apartment building when Fire personnel, while responding to a medical alert alarm, accidentally broke window of wrong apartment. This claim is under review and is **pending**.

**Rhonda and Nick Erickson** filed a claim during the month of June, 2011, in the amount of \$665.00 for damage incurred to television and food due to alleged L.E.S. malfunction that caused electrical power surge/outage. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Pines Condominium Association** filed a claim during the month of June, 2011, in the amount of \$261.19 for damage allegedly incurred to sprinkler system during replacement of fire hydrant and sidewalk. This claim is under review and is **pending**.

**Amy Rorebeck** filed a claim during the month of June, 2011, in an unspecified amount for alleged injury incurred when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED JULY 1 THROUGH JULY 15, 2011:**

**Tetanya Minnick** filed a claim in an unspecified amount for injury incurred when claimant's knee was allegedly struck by a brick that had fallen from a retaining wall at a park. This claim is under review and is **pending**.

**Robert Overkamp** filed a claim in an unspecified amount for damage allegedly incurred to toilet seats lids as the result of "blowback" which occurred during sewer main cleaning. This claim is under review and is **pending**.

**Nick and Cheryl Wood** filed a claim in the amount of \$46.00 for refund of alarm permit fee which claimants requested due to cancellation of their residential security system. This claim is under review and is **pending**.

**Lavern and Rosemary Kavanaugh** filed a claim in the amount of \$342.40 for damage allegedly incurred to electric oven as the result of an L.E.S. power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Alyssa Nimic** filed a claim in the amount of \$308.00 for expense incurred for removal of street paint from vehicle. This claim is under review and is **pending**.

**Les Makohoniuk** filed a claim in the amount of \$807.10 for damage allegedly incurred to tree as the result of boring that occurred underneath the tree when L.E.S. installed an underground electrical line. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Bette McCown** filed a claim in the amount of \$96.00 for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**Brandon Smith** filed a claim in the amount of \$614.00 for damage incurred to vehicle as the result of an alleged defect in street. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**Allstate Insurance Co.** filed suit in the Lancaster County Court for damage incurred to insured's vehicle as the result of a motor vehicle accident involving a Lincoln police vehicle. Allstate's insured is Perian Patillo who filed a claim during the month of May, 2009, which claim was reviewed by this office and denial of this claim was approved by the City Council on June 15, 2009. Litigation is **pending**.

**Lycebeth Loy** filed a claim during the month of March, 2010, in the amount of \$1,000,000 for injury incurred when claimant was a passenger on a motorcycle that was involved in an accident. Claimant alleges that the accident occurred due to inadequate signage/markings and lighting at SW 4th and W. Amaranth. This claim was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010. Litigation is **pending**.

**Debra Daharsh, as parent and next friend of Garrett A. Daharsh** filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

**Dennis and Benita Cooper** filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

**Mark Dornbos** filed a claim in August, 2009, in an unspecified amount for injury incurred when claimant allegedly lost control of his bicycle as the result of low hanging tree limbs over a sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 28, 2009. Counsel for claimant filed suit in the Lancaster County District Court against the City of Lincoln, Alltel Communications and Windstream Communications on February 4, 2011. Litigation is **pending**.

**Jeffery and Nerissa Ahern** filed a claim in February, 2010, in the amount of \$4,728.16 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County District Court on February 18, 2011. Litigation is **pending**.

**Phillip Van Ness** filed a claim during the month of March, 2010, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in an accident. Counsel for claimant filed suit in the Lancaster County Court on March 3, 2011. Litigation is **pending**.

**Lailoma Ayubzai** filed a claim during the month of April, 2010, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated by an individual who was fleeing from police. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation is **pending**.

**Amanda Wagner and Shane Alley** filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 13, 2011. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management